

Application No. 09/853,650
Amendment filed July 15, 2004
Reply to Office Action dated March 15, 2004

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Remarks

Claims 28, 32, 41, 43, and 53-79 are pending, with claims 28, 32, 41, 43, 53, 55, 57, and 68 being in independent form. By the present amendment, claims 32, 41, 43, 53, and 55 have been amended, claims 57-79 have been added without adding new matter, and claims 29-31, 33-40, 42, and 44-52 have been canceled without prejudice or disclaimer.

Applicants acknowledge with appreciation the indication of allowability of claims 28, 55, and 56, of which claim 55 has been placed in independent form by this Amendment.

It will be understood that the scope of claim 55 has not been narrowed or even changed by this Amendment. Moreover, since this claim has already been indicated as allowable, it has not been amended for reasons related to the statutory requirements for a patent but simply to expedite prosecution of this application. Accordingly, the amendment of this claim does not raise any presumptions regarding, nor trigger the application of the doctrine of prosecution history estoppel to limit the range of equivalents.

Claims 29-31, 33-40, 42, and 44-52 stand rejected for statutory type double patenting over U.S. Patent No. 6,297,818. These claims have been canceled, rendering this rejection moot. New claims 57-79 are believed to define patentable subject matter.

Claims 32, 41, and 43 stand rejected under the judicially-created doctrine of obviousness-type double patenting over U.S. Patent No. 6,297,818. A Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b) and (c) is submitted herewith to overcome this rejection.

Claims 32 and 43 have been placed in independent form by this Amendment. The respective scope of each of these claims has not changed.

Claims 53 and 54 stand rejected for obviousness over U.S. Patent No. 5,374,924 to McKiel, Jr. ("McKiel") in view of U.S. Patent No. 6,964,837 to Collier ("Collier").

In accordance with the MPEP, the cited documents must teach or suggest all of the claim limitations to establish a prima facie case of obviousness. The obviousness rejections cannot stand at least because the cited document(s) fails to

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teach or suggest all of the claim limitations. Motivations to combine the cited documents and reasonable expectations of successful combinations would also be absent, but it should be sufficient to point out the absent limitations.

McKiel relates to a computer audio interface having stereo and filtered sound effects to enable blind users to operate a graphical user interface. Stereo balance and incremental filtering are used along separate axes to guide a blind or visually impaired user within an area of a graphical user interface, particularly the client area of a window. As the pointer approaches the left boundary of the client area, the sounds representing the client area come more and more exclusively from the left audio channel. Likewise, when approaching the right boundary, the sound shifts to the right channel. Additionally, as the pointer is moved toward the top of the window client area, the pitch of the sound increases in stepwise fashion. See Abstract.

McKiel describes, at col. 3, l. 65 to col. 4, l. 3:

Thus, when the pointer is positioned on the vertical center line of client area 19, the amplitudes of the left and right channels are equal to each other and are balanced. As pointer 27 is moved toward the left, the left channel amplitude increases while the right channel amplitude decreases. Similarly, as the user moves pointer 27 toward the right, right channel amplitude increases while left channel amplitude decreases.

McKiel discloses that a sound indicative of the position of the pointer is always present. McKiel does not disclose or suggest "displaying an object in a first display state, said first display state having no sound effect associated with it," as defined by amended claim 53. In McKiel, a sound is present regardless of the display state of the pointer.

Moreover, McKiel does not disclose or suggest "identifying a sound effect using a state table, said sound effect being associated with a transition from a first display state to a second display state," as defined by claim 53. In McKiel, the sound is associated with the X-Y location of the pointer. The display state of the pointer is not taken into consideration, and certainly not a transition from a first state to a second state. The sound only changes according to the position of the pointer.

Collier fails to cure these deficiencies.

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Accordingly, since McKiel and Collier, alone or in combination, fails to disclose or suggest all of the claim limitations for at least the above reasons, the obviousness rejections of claims 53 and 54 should be withdrawn.

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

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I hereby certify that this correspondence is being sent by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 to the following facsimile number:

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Jennie Sneed